United Nations S/2009/679

Security Council

Distr.: General
30 December 2009
English
Original: French

Letter dated 28 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to paragraph 5 of Security Council resolution 1626 (2005) of 19 September 2005, by which the Council authorized the United Nations Mission in Liberia (UNMIL) to deploy, from November 2005, up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone. Pursuant to that resolution, a 250-strong military guard force from Mongolia was deployed in Freetown in January 2006.

In my special report on UNMIL of 10 June 2009 (S/2009/299), I indicated my intention to review the deployment of the military guard force in line with the timetable for the completion of the Special Court's work. Since then, two important developments have occurred: the transfer on 31 October 2009 of the eight prisoners convicted to date by the Court to Rwanda, where they will serve out their sentences, and the transfer on 16 November 2009 of the Court's detention facilities to the Government of Sierra Leone.

In the light of these developments, a team from the Secretariat and UNMIL carried out a mission to assess the Court's residual security needs in order to determine whether the guard force should be maintained. In Freetown, the team consulted the Sierra Leonean authorities, Court officials, the guard force commander and representatives of the international community.

All the persons consulted judged overall security conditions in Sierra Leone to be relatively stable but still very fragile. While they acknowledged that there was no specific military threat to the Court, some concerns were expressed regarding the possible impact on Sierra Leone of instability in Guinea, the risk of another outbreak of violence between supporters of the two main political parties and the potential for civil unrest as a result of the difficult economic conditions in the country. It was acknowledged, however, that these factors will not directly affect the security of the Court.

Notwithstanding the absence of a specific military threat, the Government, the Court and international stakeholders have provided strong arguments for maintaining the military guard force until the Court completes its work. They have stressed that, in addition to guarding prisoners, the guard force also provides security for the Court's facilities, personnel and highly confidential records. Court officials have expressed particular concern about the potential impact on the ongoing trial of Charles Taylor of a drawdown of the Court's international security presence. While this trial is being conducted in The Hague, most of the preparatory

Please recycle

work, including investigations and witness management, is being carried out in Freetown. The presence of the guard force is crucial for maintaining an atmosphere of security in order to prevent the bribery of witnesses and enable them to access the Court's facilities without fear.

The Sierra Leonean Government has stressed the importance of maintaining the integrity and international character of the Special Court, and has underlined the fact that the Court is an international institution whose facilities should be considered international territory. The protection of these facilities and their personnel would therefore be the responsibility of the United Nations until the Court completes its work. At this stage, Government officials consider that national agencies do not have sufficient capacity to secure the Court's facilities, personnel and sensitive documents.

Accordingly, on the basis of the assessment team's conclusions, I recommend maintaining the military guard force assigned to the Special Court until its work is completed in 2011. However, in view of the reduction in threats, I also recommend that the strength of the guard force should be reduced by 100 soldiers, leaving a 150-strong military company, including infantry soldiers and support personnel, to secure the Special Court's facilities.

I should be grateful if the present letter could be brought to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon